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ON PETITION

In re Application of  
Farber et al.  
Application No. 09/612,598  
Filed: July 7, 2000  
Attorney Docket No. 6233P001D

This is a decision on the petition under 37 CFR 1.137(b) filed April 17, 2003, and the renewed petition under 37 CFR 1.137(b) filed July 7, 2003. The decision mailed May 2, 2003 is vacated.

The petition under 37 CFR 1.137(b) is granted.

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed October 7, 2002, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the above-identified application became abandoned on December 7, 2002. See MPEP 1215.04.

This application is being forwarded to Technology Center AU 2152 for review of the Request for Continued Examination pursuant to 37 CFR 1.114 filed on April 17, 2003.

Accordingly, the \$750 fee for the Request for Continued Examination (RCE) will be charged to petitioner's deposit account no. 02-2666 as authorized.

Telephone inquiries regarding this decision may be directed to Latrice Bond at (703) 308-6911.

Latrice Bond  
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for Patent Examination Policy